



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-7936-2025

Date of decision : 18.02.2025

Akash

....Petitioner

V/S

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ravinder Singh, Advocate for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case FIR No.82 dated 08.03.2024 registered under Sections 365, 376 & 376(3) of Indian Penal Code, 1860 and Section 4 of the Protection of Children From Sexual Offences Act, 2012 at Police Station Sampla, Rohtak.

2. Brief facts of the case are that on 08.03.2024, complainant-Sandeep submit a complaint to the police alleging that he had one daughter aged about 13 years who was missing from home since 5:00/6:00 P.M. of previous day i.e. 07.03.2024. They had searched her everywhere in the neighbourhood and had also made inquiries from their relatives but no clue was found about her whereabouts. He had suspicion that one Akash s/o his co-villager Shri Niwas had enticed his daughter away. On his complaint, formal FIR under Section 365 of IPC

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was registered and investigation was initiated. During investigation, victim girl was recovered. Statements of concerned witnesses as well as victim girl were recorded under Section 161 of Cr.P.C. In her statement, the victim girl disclosed that on 07.03.2024 at about 6:00/6:30 P.M. Akash (the petitioner) forcibly taken her to agricultural fields and committed rape upon her in the night despite resistance from her side. On the basis thereof, Sections 376 & 376(3) of IPC and Section 4 of POCSO Act were added.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The victim has given statement before the Doctor, C.H.C., Sampla that nothing wrong has happened to her and she had run away from her house after being beaten by her mother and she is not willing to get any medical examination conducted. The victim was examined and cross-examined as PW-5 on 25.10.2024. The evidence of victim suffers from material discrepancies. Medical report of the victim girl does not corroborate her allegations. He submits that the petitioner is in custody since 12.03.2024 and is not involved in any other case. He further submits that the trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel has vehemently opposed the prayer made by the petitioner for grant of regular bail on the ground that the petitioner has committed a heinous offence. During investigation, the petitioner suffered disclosure statement and in



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pursuance thereof, two silver rings were recovered from the crime scene.

5. The allegations against the petitioner are serious in nature. The victim girl in her statement under Section 164 of Cr.P.C. and statement recorded before the trial Court has made specific allegations against the petitioner that on 07.03.2024 at about 6:00/6:30 P.M., the petitioner forcibly taken her to agricultural fields and committed rape upon her in the night despite resistance from her side. Moreover, mere discrepancies in the statements recorded by the victim girl will not entitle the petitioner for grant of regular bail.

6. Keeping in view the facts and circumstances of the case and nature of allegations levelled by the victim girl against the petitioner, I am of the considered view that the petitioner does not deserve the concession of regular bail.

7. In view of the above, the present petition is dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

18.02.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No